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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/579,938

Applicant(s)

WILLIAMS, TIMOTHY J

Examiner

David L. Sorkin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "57" has been used to designate both the "small drain hole" in Fig. 1 and the "first side" in Fig. 2; because reference character "60" has been used to designate both the "back" in Fig. 2 and the "circular outer ridge" in Fig. 2A; and because reference character "61" has been used to designate both the "base" in Fig. 2 and the "downward sloping cone-shaped inner surface" in Fig. 2A. Corresponding correction of the drawings and specification is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "57" has been used to designate both the "first side" and the "second side" in fig. 2; in contrast to the specification which states, on page 8, line 5, that the "second side" is reference character "58". However, Fig. 1 uses the reference character "58" to designate the "three centralized circular depressions". Corresponding correction of the drawings and specification is required.

### ***Specification***

3. The disclosure is objected to because of the improper use of reference character as described above with regard to the drawings. Also, on page 11, line 13, the phrase "360 degree radius" should read - - circumference - - or otherwise be clarified.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 and 16-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The number of "paint storage compartments" required in claims 1-6 is unclear. For example, claim 1, line 2, states "one or more paint storage compartments", while line 5 recites "the paint storage compartment" and line 6 recites "the paint storage compartments".
7. Claim 5 recites the limitation "the airtight lid " in line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 16 recites the limitation "the airtight lid " in line 6. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 17 recites the limitation "the main body " in line 2. There is insufficient antecedent basis for this limitation in the claim.
10. It is unclear if the "paint compartments" are positively recited in claims 22-28.
11. Claim 22 recites the limitation "the airtight lid " in line 5. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 28 recites the limitations "the first side of the body" and "the second side of the body" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Note the base claim 22 recites that "each paint compartment" has first and second sides, not "the body".

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-18 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Stockton (US 2,802,649). Regarding claim 1, Stockton ('649) discloses an apparatus for holding paint comprising paint storage compartments (50) having front, back, first and second sides and a base; a frame (10) configured for holding the paint storage compartments; and means (45,46) for dispensing removably coupled to the storage compartment for dispensing paint from the storage compartments. Regarding claim 2, the frame is configured for holding a plurality of paint storage compartments (see fig. 1). Regarding claim 3, the means for dispensing includes a spigot assembly (45,46). Regarding claim 4, the frame includes mounting slots in the back for mounting the frame on a wall (see fig. 1, col. 1, lines 70-72). Regarding claim 5, the apparatus further comprises a lid (40) for selectively covering the paint storage compartment; and means for stirring (13,14,15,16,17) removably coupled to the lid. Regarding claim 6 the means for stirring further comprises a circular base (15) having a central axis; a rod (14) coupled to the circular base; and a stirring fan (13) coupled to the rod and having a plurality of fins (see fig. 3). Regarding claim 7, Stockton ('649) discloses a paint comprising paint storage compartment (50) having front, back, first and second sides and a base; a frame (10) configured for holding the paint storage compartments; a lid

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(40) for covering the paint storage compartment; and a stirring assembly (13,14,15,16,17) removably coupled to the lid. Regarding claim 8, the frame is configured for holding a plurality of paint storage compartments (see fig. 1). Regarding claim 9, the frame includes mounting slots in the back for mounting the frame on a wall (see fig. 1, col. 1, lines 70-72). Regarding claim 10 the stirring assembly further comprises a circular base (15) having a central axis; a rod (14) coupled to the circular base; and a stirring fan (13) coupled to the rod and having a plurality of fins (see fig. 3). Regarding claim 11, Stockton ('649) discloses an apparatus for holding paint comprising a paint storage compartment (50) having front, back, first and second sides and a base; a frame (10) configured for holding the paint storage compartment; a dispensing mechanism (45,46) removably coupled to the storage compartment for dispensing paint from the storage compartments; a lid (40) for covering the paint storage compartment; and a stirring assembly (13,14,15,16,17) removably coupled to the lid. . Regarding claim 12, the frame is configured for holding a plurality of paint storage compartments (see fig. 1). Regarding claim 13, the dispensing mechanism includes a spigot assembly (45,46). Regarding claim 14, the frame includes mounting slots in the back for mounting the frame on a wall (see fig. 1, col. 1, lines 70-72). Regarding claim 15 the stirring assembly further comprises a circular base (15) having a central axis; a rod (14) coupled to the circular base; and a stirring fan (13) coupled to the rod and having a plurality of fins (see fig. 3). Regarding claim 16, Stockton ('649) discloses a reusable paint container comprising a paint compartment (50); a body (10) configured for holding the paint storage compartment having front, back, first and second sides and a base; a

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lid (40) removably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture (through 44) through the lid; a stirring mechanism (13,14,15,16,17) removably coupled to the lid having an integrally formed rod (14) positioned through the aperture; a fan apparatus (13) removably coupled to the rod on the inner opposite side of the lid. Regarding claim 17, the frame includes mounting slots in the back for mounting the frame on a wall (see fig. 1, col. 1, lines 70-72).

Regarding claim 18, the stirring mechanism includes a handle (15a). Regarding claim 22, Stockton ('649) discloses a reusable paint container comprising a body (10) configured for holding paint within an integral paint compartments (50) each having front, back, first and second sides; a lid (40) removably coupled to the paint compartments having an outer side, an inner opposite side and a small aperture (through 44) through the lid; a stirring mechanism (13,14,15,16,17) removably coupled to the lid having an integrally formed rod (14) positioned through the aperture; and a fan apparatus (13) removably coupled to the rod on the inner opposite side of the lid.

Regarding claim 23, the paint compartment is single walled (see fig. 3). Regarding claim 24, the frame includes mounting slots in the back for mounting the frame on a wall (see fig. 1, col. 1, lines 70-72). Regarding claim 25, the stirring mechanism includes a handle (15a).

15. Claims 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (US 2,269,736). Regarding claim 22, Rogers ('736) discloses a reusable paint container comprising a body (6) configured for holding paint within an integral paint compartment having front, back, first and second sides; a lid (7) removably

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coupled to the paint compartments having an outer side, an inner opposite side and a small aperture (see fig. 1) through the lid; a stirring mechanism (29,30,31,32,33) removably coupled to the lid having an integrally formed rod (14) positioned through the aperture; and a fan apparatus (35,37,40,41) removably coupled to the rod on the inner opposite side of the lid. Regarding claim 23, the paint compartment is single walled (see fig. 1; col. 1, lines 40-43). Regarding claim 25, the stirring mechanism includes a handle (33).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton ('649) in view of Weber (US 5,400,916). The container of Stockton ('649) was discussed above with regard to claims 16 and 22. While the interior of Stockton ('649) has a reservoir area, it fails to include a sloped area. Weber ('916) teaches that paint containers with sloped areas are particularly advantageous for engaging paint rollers (see col. 2, lines 4-11); therefor, it is considered that it would have been obvious to one of ordinary skill in the art to have endowed the paint compartment of Stockton ('649) with a sloped area to realized this advantage.

18. Claims 20 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton ('649) in view of Weber ('916) as applied to claims 19 and 26, respectively.



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above, and further in view of Rodriguez (US 5,630,666). Stockton ('649) fails to disclose and Weber ('916) fails to teach a centrally located circular depression having a small hole in the center. Rodriguez ('666) teaches a centrally located circular depression (16) having a small hole (18) in the center. Rodriguez ('666) teaches that such an arrangement provides easier dispensing of paint (see col. 1, lines 6-8); therefor, it is considered that it would have been obvious to one of ordinary skill in the art to have provided the reservoir area of Stockton ('649) in view of Weber ('916) with a centrally located circular depression (16) having a small hole (18) in the center to achieve easier dispensing as taught by Rodriguez ('666).

19. Claims 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton ('649) in view of Briggs (US 6,109,482). The container of Stockton ('649) was discussed above with regard to claims 16 and 22. Stockton ('649) fails to disclose a body having rounded ribs on a first side and rounded channels on a second side so that multiple containers can be connected by the ribs and channels. Briggs ('482) teaches a body having rounded ribs (44) on a first side and rounded channels (42) on a second side so that multiple containers can be connected by the ribs and channels. It is considered that it would have been obvious to one of ordinary skill in the art to have endowed the body of Stockton ('649) with ribs and channels to gain the advantage of convenience taught by Briggs ('482) (see col. 2, lines 25-30).

20. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers ('736) in view of Weber (US 5,400,916). The container of Rogers ('736) was discussed above with regard to claim 22. While the interior of Rogers ('736) has a reservoir area,

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it fails to include a sloped area. Weber ('916) teaches that paint containers with sloped areas are particularly advantageous for engaging paint rollers (see col. 2, lines 4-11); therefor, it is considered that it would have been obvious to one of ordinary skill in the art to have endowed the paint compartment of Rogers ('736) with a sloped area to realized this advantage.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers ('736) in view of Weber ('916) as applied to claim 26 above, and further in view of Rodriguez (US 5,630,666). Rogers ('736) fails to disclose and Weber ('916) fails to teach a centrally located circular depression having a small hole in the center.

Rodriguez ('666) teaches a centrally located circular depression (16) having a small hole (18) in the center. Rodriguez ('666) teaches that such an arrangement provides easier dispensing of paint (see col. 1, lines 6-8); therefor, it is considered that it would have been obvious to one of ordinary skill in the art to have provided the reservoir area of Rogers ('736) in view of Weber ('916) with a centrally located circular depression (16) having a small hole (18) in the center to achieve easier dispensing as taught by Rodriguez ('666).

22. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers ('736) in view of Briggs (US 6,109,482). The container of Rogers ('736) was discussed above with regard to claim 22. Rogers ('736) fails to disclose a body having rounded ribs on a first side and rounded channels on a second side so that multiple containers can be connected by the ribs and channels. Briggs ('482) teaches a body having rounded ribs (44) on a first side and rounded channels (42) on a second side so that

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multiple containers can be connected by the ribs and channels. It is considered that it would have been obvious to one of ordinary skill in the art to have endowed the body of Rogers ('736) with ribs and channels to gain the advantage of convenience taught by Briggs ('482) (see col. 2, lines 25-30).

### **Conclusion**

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

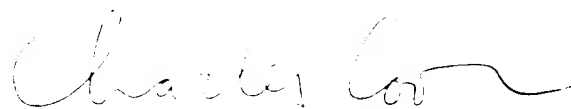
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 7:30 - 5:00 Mon.-Thur., Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
David Sorkin

June 29, 2001



**CHARLES E. COOLEY  
PRIMARY EXAMINER**